



# CITY OF LODI

## COUNCIL COMMUNICATION

**AGENDA TITLE:** Supplement No. 3 to Northern California Power Agency Joint Powers Agreement

**MEETING DATE:** October 19, 1994

**SUBMITTED BY:** Electric Utility Director

**RECOMMENDED ACTION:**

That the City Council, by resolution, adopt Supplement No. 3 to Northern California Power Agency Joint Powers Agreement.

**BACKGROUND INFORMATION:**

The City of Oakland, acting by and through it's Board of Port Commissioners Port of Oakland, has executed and delivered a New Member Services Agreement and applied for membership in the Northern California Power Agency (NCPA).

**FUNDING:**

Not Applicable

Henry J. Rice  
Electric Utility Director

JS/pn

Prepared by: John Stone, Manager, Rates and Resources

Attach.

c: City Attorney  
Assist. Electric Utility Director

APPROVED

THOMAS A. PETERSON  
City Manager



RECYCLED PAPER

**Port of Oakland's  
Request for Membership  
in  
Northern California Power Agency**

On Wednesday, September 22, 1994, the Northern California Power Agency's (NCPA) Commission voted unanimously to adopt a resolution directing the NCPA General Manager to accept the Port of Oakland's (Port) application for membership to NCPA, and to circulate to the individual members the attached Supplement Number Three to the NCPA Joint Powers Agreement for consideration and approval by their governing boards.

The Port of Oakland is a department of the City of Oakland governed by a seven member board. Each member of the Board is appointed by the Oakland City Council for a four year term. The Port provides electricity to numerous commercial tenants on city-owned property including the Metropolitan Oakland International Airport. The Port's current electrical load is about 6.5 megawatts and is expected to double in the next 10 years.

If accepted as a member, the Port would be a full participant in the JPA with all the rights and obligations of a member. The Port would initially participate in the NCPA General Direct, Central Valley Project, and Resource Development programs. However, in time, the Port may be considered for entry into NCPA's Power Pool and become an interconnected member, which is consistent with the Port's desire to obtain its own resource base for reliable, economic power.

The Port's membership would benefit existing NCPA members in many ways. Each member's financial contribution to NCPA programs would decrease in proportion to the Port's participation. The Port would be a ready market for members' current surplus power. Communication with state and federal officials would be enhanced.

NCPA's General Counsel has determined that the Port meets all necessary legal requirements for membership. Counsel has also determined that the members would not be subject to additional liability if the Port joined NCPA.

RESOLUTION NO. 94- 14

RESOLUTION OF THE COMMISSION  
OF THE NORTHERN CALIFORNIA POWER AGENCY  
AUTHORIZING EXECUTION OF A NEW MEMBER SERVICES  
AGREEMENT WITH THE PORT OF OAKLAND AND RECOMMENDING  
EXECUTION OF SUPPLEMENT NO. 3 TO THE JOINT POWERS AGREEMENT  
TO THE MEMBERS

WHEREAS, the City of Oakland, a municipal corporation, acting by and through its Board of Port Commissioners Port of Oakland (the Port) has executed and delivered a New Members Services Agreement and applied for membership in the Northern California Power Agency (NCPA) with the payment in full of the application fee in the amount of \$2,605; and

WHEREAS, the Commission has found and determined that the Port is suitable for membership in NCPA; now

THEREFORE, BE IT RESOLVED by the Commission of NCPA, as follows:

Section 1. The application of the Port is hereby accepted, and the General Manager is hereby authorized and directed to execute on behalf of NCPA the New Member Services Agreement with the Port.

Section 2. The form of Supplement No. 3 to the NCPA Joint Powers Agreement is hereby approved and recommended to the members of NCPA for execution.

Section 3. The General Manager and General Counsel are hereby instructed to expeditiously circulate Supplement No. 3 to the members for their consideration.

PASSED AND ADOPTED this 21<sup>st</sup> day of September 1994 by the following  
vote on roll call:

	<u>Vote</u>	<u>Abstained</u>	<u>Absent</u>
City of Alameda	<u>Aye</u>	<u>          </u>	<u>          </u>
Biggs	<u>          </u>	<u>          </u>	<u>X</u>
Gridley	<u>Aye</u>	<u>          </u>	<u>          </u>
Healdsburg	<u>Aye</u>	<u>          </u>	<u>          </u>
Lodi	<u>Aye</u>	<u>          </u>	<u>          </u>
Lompoc	<u>Aye</u>	<u>          </u>	<u>          </u>
Palo Alto	<u>Aye</u>	<u>          </u>	<u>          </u>
Redding	<u>Aye</u>	<u>          </u>	<u>          </u>
Roseville	<u>Aye</u>	<u>          </u>	<u>          </u>
Santa Clara	<u>Aye</u>	<u>          </u>	<u>          </u>
Truckee Donner	<u>Aye</u>	<u>          </u>	<u>          </u>
Turlock	<u>Aye</u>	<u>          </u>	<u>          </u>
Ukiah	<u>Aye</u>	<u>          </u>	<u>          </u>
Plumas-Sierra	<u>Aye</u>	<u>          </u>	<u>          </u>

SUPPLEMENT NO. 3 TO  
NORTHERN CALIFORNIA POWER AGENCY  
JOINT POWERS AGREEMENT

This Agreement, dated as of \_\_\_\_\_, 1994, by and among the parties signatory hereto, hereinafter called "Parties," witnesseth that

WHEREAS, all of the Parties hereto, except the City of Oakland, a municipal corporation acting by and through its Board of Port Commissioners, herein called "the Port," are also parties to that Agreement first made the 19th day of July, 1968, and revised as of the first day of April 1973, as amended, which agreement is herein called the "Joint Powers Agreement;" and

WHEREAS, the Joint Powers Agreement created the Northern California Power Agency, herein called "NCPA," pursuant to section 6500 et seq. of the Government Code of the State of California, of which all Parties hereto except the Port are members or associate members; and

WHEREAS, the Port and the other Parties hereto desire that the Port shall become a party to the Joint Powers Agreement and a member of NCPA on the same basis as each of the other members; and

WHEREAS, the Port is a department of the City of Oakland, a municipal corporation and a public agency of the State of California, and is entitled to be a preference purchaser of electric service from the Central Valley Project of the United States, and has powers equivalent to those of the other members of NCPA so far as is relevant to the powers of NCPA; now therefore, the Parties, including the Port, agree as follows:

**Section 1.** On and after the effective date of this Agreement, the Port shall be a member of NCPA and a party to the Joint Powers Agreement, and shall have the same rights, powers, and privileges and immunities, duties, and obligations as any other member of NCPA as of that effective date.

**Section 2.** The Port shall not be liable for any share of the organization, planning, or other costs of NCPA incurred prior to the effective date of this Agreement, and shall not by force of this Agreement become a party to any other agreement or instrumentality of NCPA entered into or created prior to the effective date of this Agreement, or except with its consent and the consent of

all other NCPA members and associate members who are parties to such agreement or instrumentality evidenced separately from this Agreement.

**Section 3.** This Agreement shall take effect on the first day of the calendar month following the complete execution of this Agreement by the Port and all members and associate members of NCPA.

CITY OF ALAMEDA

By \_\_\_\_\_

Date \_\_\_\_\_

CITY OF HEALDSBURG

By \_\_\_\_\_

Date \_\_\_\_\_

CITY OF LODI

By \_\_\_\_\_

Date \_\_\_\_\_

CITY OF LOMPOC

By \_\_\_\_\_

Date \_\_\_\_\_

CITY OF PALO ALTO

By \_\_\_\_\_

Date \_\_\_\_\_

CITY OF BIGGS

By \_\_\_\_\_

Date \_\_\_\_\_

CITY OF ROSEVILLE

By \_\_\_\_\_

Date \_\_\_\_\_

CITY OF SANTA CLARA

By \_\_\_\_\_

Date \_\_\_\_\_

TURLOCK IRRIGATION DISTRICT

By \_\_\_\_\_

Date \_\_\_\_\_

CITY OF UKIAH

By \_\_\_\_\_

Date \_\_\_\_\_

CITY OF REDDING

By \_\_\_\_\_

Date \_\_\_\_\_

CITY OF GRIDLEY

By \_\_\_\_\_

Date \_\_\_\_\_

PORT OF OAKLAND

By \_\_\_\_\_

Date \_\_\_\_\_

PLUMAS-SIERRA RURAL  
ELECTRIC COOPERATIVE

By \_\_\_\_\_

Date \_\_\_\_\_

TRUCKEE DONNER PUBLIC  
UTILITY DISTRICT

By \_\_\_\_\_

Date \_\_\_\_\_

RESOLUTION NO. 94-122

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A RESOLUTION OF THE LODI CITY COUNCIL  
APPROVING THE EXECUTION OF SUPPLEMENT NO. 3 TO THE  
JOINT POWERS AGREEMENT OF THE NORTHERN CALIFORNIA POWER AGENCY

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WHEREAS, the City of Lodi is a party to the Joint Powers Agreement of the Northern California Power Agency, herein called the "Joint Powers Agreement", which created the Northern California Power Agency; and

WHEREAS, the Port of Oakland is a department of the City of Oakland, a municipal corporation and a public agency of the State of California; and

WHEREAS, the Port of Oakland desires to become a party to the Joint Powers Agreement; and

NOW, BE IT THEREFORE RESOLVED that the City Council of the City of Lodi hereby authorizes approval of Supplement No. 3 to the Joint Powers Agreement of the Northern California Power Agency.

BE IT FURTHER RESOLVED that the City Manager and City Clerk are hereby authorized to execute said Agreement on behalf of the City of Lodi.

Dated: October 19, 1994

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I hereby certify that Resolution No. 94-122 was passed and adopted by the Lodi City Council in a regular meeting held October 19, 1994 by the following vote:

Ayes: Council Members - Mann, Pennino, Snider and  
Sieglock (Mayor)

Noes: Council Members - None

Absent: Council Members - Davenport

  
Jennifer M. Perrin  
City Clerk

94-122

RES94122/TXTA.02J